
**BZA-1879
EDDIE J. SMITH
Variance**

**STAFF REPORT
April 18, 2012**

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, who with his wife owns the property in question, is requesting a rear setback of 5' instead of the required 10' for a detached garage. This site is located in Bar Barry Heights Subdivision Part 2, more commonly known as 906 Barlow Street, West Lafayette, Wabash 7 (NE) 23-4.

AREA ZONING PATTERNS:

The site in question and all surrounding land is zoned R1, Single-family Residential. There has been no recent ABZA activity in the immediate area.

AREA LAND USE PATTERNS:

A single-family home with an attached 2-car garage occupies the lot in question. Other similarly sized single-family homes surround the property.

TRAFFIC AND TRANSPORTATION:

The site has frontage on Barlow Street, an urban local road.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

The site is served by public utilities.

While the proposed garage would not be located within any utility easements, the driveway would be. A 5' utility easement lines the western boundary of the lot, where a 10' wide driveway would be constructed. Petitioner has indicated on the site plan that the driveway will be laid in brick pavers which would allow easier access for utility companies to reach any underground utilities in the easement if needed.

STAFF COMMENTS:

Petitioner plans on building a detached 24'x 20' garage in his backyard. The house has an existing two-car attached garage; the proposed garage would be for tools/storage, motorcycle storage and potentially for a vehicle. Per the site plan, the driveway to the new structure branches off of the existing driveway and is routed along the west side of the house. A proposed addition to this side of the home is also shown on the site plan creating an area 10' wide for the new driveway. This area, which is partially over a utility easement, will be done in pavers to allow easier removal if necessary for utility work. The proposed detached garage is shown with a 5' rear setback so that 18' of maneuvering space exists between the proposed garage and the home addition.

The proposed addition and detached garage will increase the percent of the lot covered by buildings, but would not create enough building area to exceed ordinance requirements; therefore no lot coverage variance is needed. While staff believes the proposed detached garage would not harm adjacent properties, staff can find no ordinance-imposed hardship. A slightly smaller garage built in a slightly different area could be constructed without the need for a rear setback variance.

Regarding the ballot items:

1. The Area Plan Commission at its April 17, 2013 meeting determined that the variance requested **IS NOT** a use variance.

And it is staff's opinion that:

2. Granting this variance **WILL NOT** be injurious to the public health, safety, and general welfare of the community. The proposed garage would be located a sufficient distance from neighboring structures and poses no threat to the traveling public. Additionally, petitioner is showing removable pavers instead of concrete within the utility easement.
3. Use and value of the area adjacent to the property included in the variance request **WILL NOT** be affected in a substantially adverse manner because the proposed garage will be located in the backyard and not near any of the neighboring homes.
4. However, the terms of the zoning ordinance are being applied to a situation that **IS** common to other properties in the same zoning district. There is nothing unusual about this lot with regard to its size, shape and topography. In fact, petitioner already has a 2-car garage attached to the home.
5. Strict application of the terms of the zoning ordinance **WILL NOT** result in an unusual or unnecessary hardship as defined in the zoning ordinance. Adequate room exists in the backyard to build a detached garage in a conforming location. Petitioner could build the garage with a 10' rear setback and shorten the length of the proposed home addition. The garage and the home addition could still have 18' between them allowing maneuvering space for a car.

Note: Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above.

5a. The hardship involved **IS** self-imposed or solely based on a perceived reduction of or restriction on economic gain. Adequate space exists in the backyard to build a detached garage and meet required setbacks. It is only petitioner's desire to locate the garage in the corner of his lot within the rear setback that causes this difficulty.

5b. The variance sought **DOES NOT** provide only the minimum relief needed to alleviate the hardship. There is no hardship; therefore there is no minimum relief.

STAFF RECOMMENDATION:

Denial